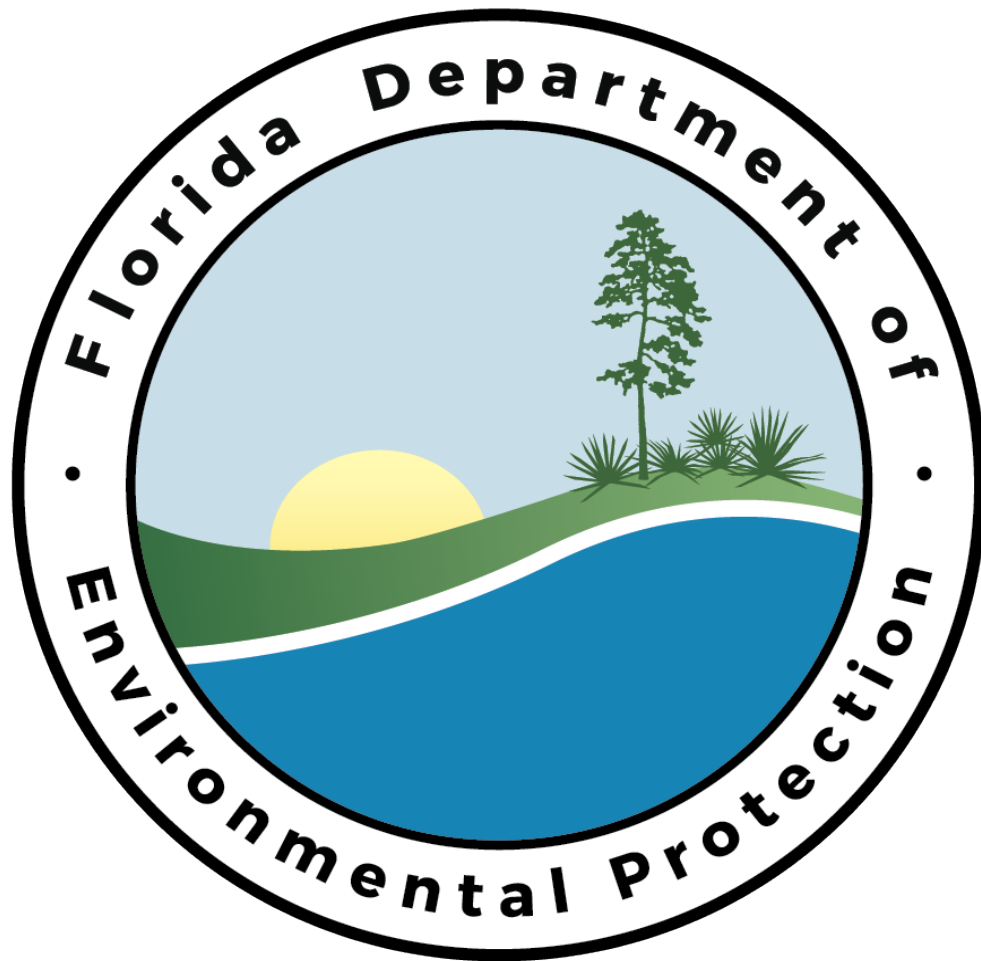


***CLEAN WATER STATE REVOLVING FUND
FISCAL YEAR 2019 INTENDED USE PLAN***

**Florida Department of Environmental Protection
Division of Water Restoration Assistance
May 8, 2019**



FISCAL YEAR 2019 INTENDED USE PLAN CLEAN WATER STATE REVOLVING FUND

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- 2. SOURCE AND USE OF FUNDS FOR FY 2019**
- 3. FY 2019 PROJECTS - SPECIFIC INFORMATION**
- 4. DETAILS OF GREEN PROJECT RESERVE AND ADDITIONAL SUBSIDIES**
- 5. PAYMENT SCHEDULE AND PROPORTIONATE SHARE OF CASH DRAWS**
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EXECUTIVE SUMMARY

The State of Florida's Intended Use Plan (IUP) for the Clean Water State Revolving Fund (CWSRF) is prepared in accordance with the provisions of Title VI of the Clean Water Act of 1987, and the Federal Appropriations Acts. The Appropriations Act for the FY 2018 capitalization grant includes requirements for "green" projects and for additional subsidization. "Green" projects are described in the U.S. Environmental Protection Agency Memorandum entitled "Procedures for Implementing Certain Provisions of the Appropriation Affecting the Clean Water and Safe Drinking Water State Revolving Fund Programs".

Florida's CWSRF program is also governed by Chapter 62-503 of the Florida Administrative Code (F.A.C.). The operating agreement between the Florida Department of Environmental Protection (FDEP) and the U.S. Environmental Protection Agency (EPA) further explains program implementation and the responsibilities of the FDEP.

Cocoa Beach Streetscape Project



This IUP is a required part of the process to request the Federal Capitalization Grant, which will be matched with 20 percent in state matching funds. It describes the intended use of all State Revolving Fund (SRF) funds expected to be available to the CWSRF program including federal and state appropriations, recaptured funds, loan repayments, fees, and interest on the SRF cash balances. Florida's allocation from the FY 2018 capitalization grant is \$54,179,000 and will be deposited in SFY 2019. Based on the amount of this capitalization grant, the required state

match is \$10,835,800. A state match of \$11,350,600 was approved by the Florida Legislature in the FY 2018 legislative session, however, because insufficient match was provided appropriated for the FY 2017 capitalization grant, there is an undermatch of \$1,209,199. The balance of the state match will be obtained in the 2019 legislative session to be deposited in the last quarter of the federal fiscal year.

The “Special Conditions” included in this Plan will be based on the FY 2018 capitalization grant. Florida’s CWSRF program was established to provide below market interest rate financing to local governments and eligible private entities for high priority water quality projects. Since the program’s inception, over \$4 billion has been awarded to over 230 local government borrowers, ranging from very small municipalities that serve less than 300 residents, to county systems that serve over 2 million. Assistance has also been provided to two private borrowers for non-point source projects.

I. FISCAL YEAR 2019 PROJECT FUNDING

Florida’s FY 2018 capitalization grant allocation is \$54,179,000. The authorization bill mandates that 10 percent of this amount be for projects, or components of projects, that qualify under the requirements for the Green Project Reserve. This bill also allows up to \$16,253,700 to be provided as additional subsidy.

For the FY 2019 priority list, Florida expects to provide assistance to 94 wastewater and stormwater infrastructure projects for a total of \$293,349,908 of which, \$47,306,210 are projects carried forward from last fiscal year.

Key Colony Beach Treatment Plant Upgrade



The annual per-sponsor funding limit (segment cap) is \$20 million for FY 2019. To ensure sufficient participation in the program in light of the additional requirements, the program is offering incentives in the form of reduced financing rates for each of these requirements. The financing rate is reduced by 0.25% for Davis-Bacon, 0.75% for American Iron and Steel, 0.1% for green and 0.1% for implemented asset management plans. Because fiscal sustainability plans are now required in the Clean Water Act, it is possible that some implemented fiscal sustainability plans developed to meet this requirement will be sufficient to meet the asset management plan criteria and will be offered the asset management plan incentive.

II. LONG- AND SHORT-TERM PROGRAM GOALS

A. The long-term goals are to:

1. Leverage the CWSRF funds by partnering with the various state and federal funding programs. By working with all funding sources, we can ensure that the borrowers optimize the assistance and stretch the limited funds to provide the maximum environmental benefit possible.
2. Contribute to statewide compliance with water quality standards. This goal can be facilitated through the planning, design and construction of cost-effective wastewater

treatment and stormwater management facilities, non-point source pollution management systems, and estuary conservation and management programs.

3. Facilitate small and financially disadvantaged community participation in the SRF program. CWSRF staff will work with the domestic waste inspectors to identify projects that are needed to comply with the state and federal requirements. The facilities will be guided through the CWSRF and Small Community Construction Grant Programs to maximize the water quality benefit.

4. Give priority to the most environmentally beneficial projects. The highest-ranking projects are those that eliminate public health hazards, protect groundwater or surface water, promote reclaimed water or residuals reuse, enable compliance with other pollution control requirements such as toxics control and nutrient removal, enable compliance with laws requiring elimination of discharge to specific water bodies, restore wetlands, and contribute to compliance with enforceable pollution control requirements.

5. Promote wastewater and stormwater facilities that support orderly and environmentally sound growth, discourage sprawl, support sustainable systems and help build or maintain the technical, financial and managerial capacity of the recipients. Projects that expand collection systems into areas that are not currently developed will be discouraged through the priority system and will only be allowed if excess funds are available.

6. Administer the program so that its revolving nature is assured in perpetuity.

B. The short-term (FY 2019) goals are to:

1. Assure that SRF funds are used effectively for wastewater treatment and stormwater management projects, non-point source pollution management projects and/or estuary conservation and management systems intended to resolve high priority public health and water quality concerns as well as other regulatory agency concerns.

2. In accordance with 40 CFR §31.40 and 40 CFR §35.3165, as applicable, provide in the Annual Report or through the online CWSRF Benefits Reporting System, information regarding environmental results. Results shall include how the CWSRF impacts compliance, water quality, and designated uses.

3. Assure that all funds are expended in an expeditious and timely manner by executing binding agreements in an amount not less than 120 percent of each capitalization grant payment within 1 year of receipt of such capitalization grant payment.
4. Assure the fiscal, technical, and managerial integrity of the SRF program by preventing waste, fraud, and abuse. Projects will be inspected as necessary to make certain the project is constructed correctly and efficiently.
5. Expedite project development and construction by encouraging projects to begin construction within one year of placement in the IUP. Projects on the fundable list for construction represent the vast majority of the committed funds and are ready to bid. As a result, these projects nearly always begin construction within one year. Planning and design loans are also available. These loans typically take much longer to get started. CWSRF project engineers will work closely with applicants to ensure their projects are guided expeditiously through the planning and design process. If projects do not move forward, they will be removed from the list and the funds will be reallocated to other projects.

III. ALLOCATION OF FUNDS

A. Criteria and Method for Distribution of Funds

Florida's Project Priority Ranking System incorporates Basin Management Action Plans (BMAPs) by giving projects listed in BMAPs the second highest priority score, behind projects that eliminate a public health risk. This change will target projects that have been identified by the Department as necessary for a water body to achieve compliance for funding by the CWSRF. Projects that address compliance and enforcement issues will also have a high priority. Bonus points will be added to projects that meet the requirements of Outstanding Florida Waters, National Estuaries, Wild/Scenic or Recreational Areas, or impaired water bodies; projects that eliminate ocean outfalls; and projects that qualify for small community economic hardship status.

B. Types of Projects to be Funded and Financing Rates

Section 212 Projects

Projects identified as qualifying for the CWSRF under the Clean Water Act section 212 will have a financing rate determined by an algorithm which incorporates factors of market rate (MR), affordability index (AI) and population (P) according to the formula $MR - 4 + (4/(1+(100/AI)^3)) - 1/\text{Log}(P)$. The AI contains factors of median household income, unemployment and poverty for the service area affected by the project. For local government sponsors qualifying under section 212 of the Act, the maximum financing rate is limited to the market rate, and the minimum is zero. For non-local governmental sponsors qualifying under section 319 or 320 of the Act shall be fifty (50%) percent of the market rate. The financing rate on segments and increases which are continuing from preceding priority lists will be determined by the conditions indicated in each project's binding loan agreement. Florida's revised Rule implementing the CWSRF program provides financial incentives for the construction of green projects and the implementation of asset management plans by reducing the financing rate for projects meeting certain requirements. Financing rates will be reduced 0.1 percent for all costs associated with a project, or a portion of a project, that qualifies as energy efficient, water efficient, green infrastructure or an environmentally innovative project. The financing rate will also be reduced by 0.1 percent for borrowers that document an implemented asset management plan. The financing rate will be reduced by 0.25 for all construction loans to help offset the increase in construction costs resulting from the Davis-Bacon wage rate requirements as well as costs associated with the reporting requirements. And finally, the financing rate will be reduced for all construction projects by 0.75 percent to off-set the increased costs of materials as a result of the "American Iron and Steel" requirements. Section 319 and 320 Projects

No nonpoint source projects have been identified for FY 2019. To date only three nonpoint source projects have received assistance. By rule, the financing rates for any nonpoint source project that meets the requirements for funding is 50 percent of the market rate.

C. Disadvantaged Communities and Sustainability Policy

Projects meeting the eligibility criteria for Florida's Small Community Wastewater Construction Grants Program (SCWCGP), Chapter 62-505, Florida Administrative Code, will be designated as recipients of additional subsidies to be provided as principal forgiveness, pursuant to the "Special Provisions" of the Appropriations Act. To qualify, the project sponsor must be a municipality with a population of 10,000 or less with a per capita income less than the state per capita income.

The percentage of the loan forgiven will be based on the affordability index of the project sponsor and varies from 70 percent to 90 percent.

As stated above, changes to the CWSRF rule incentivize sponsors to develop and implement asset management plans. Financing rates on CWSRF loans for project sponsors that document an implemented asset management plan will receive a 0.1 percent reduction in the financing rate. The development of these plans will also be specifically included as eligible project costs. For small systems, the program will provide funding for the Florida Rural Water Association to establish a position whose sole purpose is to develop fiscal sustainability plans for small systems that otherwise are unable to develop this plan.

The City of Palatka is obligated \$500,000 in distressed project reserve fund. The fund is established to aid projects which might experience unexpected circumstances beyond their control affecting their ability to move their projects to completion. The funds will be used to replace a sewer main in the vicinity of the intersection of State Road 20 and Crill Avenue. Defects in the existing sewer main have led to infiltration that is creating large voids under the roadway creating dangerous conditions for traffic on the road. Note the road has been closed since one section collapsed. These dangerous road conditions must be rectified as quickly as possible.

D. Hurricane Michael

On October 10, 2018, Hurricane Michael made landfall in Bay and Gulf Counties and significantly impacted Liberty, Calhoun, Jackson, Franklin, and Gadsden Counties as well as wastewater systems in Washington County. In accordance with State of Florida Executive Orders Nos. 18-276 and 18-277, and FDEP Emergency Final Order Nos. 18-1335 and 18-1409, the CWSRF program staff will reserve up to \$6,200,000 with substantial principal forgiveness for projects that address short-term recovery needs in these counties. These funds shall be available for local governments on a first come first serve basis, up to \$1,000,000 per local government.

IV. FINANCIAL MANAGEMENT

A. Source of State Match

Florida's FY 2018 capitalization grant allocation of \$54,179,000 requires state matching funds of \$10,835,800 (20 percent). The Florida legislature appropriated \$11,350,600 for this purpose in the 2018 legislative session, however, because the state match provided FY 2017 capitalization grant was insufficient, there remains a net undermatch of \$1,209,199, which will be requested in the next legislative session.

B. Service Fee Income

The SRF rule provides for a one-time service fee on each loan to cover program administrative costs. Assistance recipients are assessed a two percent service fee on all loans, typically paid in the first one or two repayments, but may be prepaid any time after the loan agreement has been executed. As of June 30, 2018, \$80.75 million in service fees (including interest earned on the sub-account) has been collected and deposited into the G&D Administrative sub-account.

Additionally, \$8.65 million has been drawn from the cap grant set-aside and deposited into the sub-account. Thus, the total of the cap grant set-aside and service fee deposits and including interest earned on the sub-account has been \$89.4 million. \$74.44 million has been expensed, leaving a FY 2019 beginning balance in the G&D Administrative sub-account of \$14.96 million.

In FY 2019, \$3.0 million is expected to be deposited and \$3.5 million is expected to be expensed from the service fee sub-account to pay salary, fringe and indirect administrative costs within the divisions of Water Restoration Assistance, Environmental Assessment and Restoration and the Florida Rural Water Association.

Up to four percent of the capitalization grants can be used for administration of the fund. Service Fee income has historically been sufficient to cover administrative costs.

C. Anticipated Cash Draw Ratio

For FY 2019, Florida will draw the capitalization grant after the required state match has been deposited.

D. Estimated Sources and Uses

1. Sources of Funds

Florida's FY 2018 allotment of the federal capitalization grants is \$54,179,000. The state match requirements for the SRF capitalization grants have historically been satisfied by state deposits into the SRF. Sources of state deposits to-date include special appropriations for Hurricane Andrew relief, Advanced Deposit fees, Water Pollution Control Trust Fund transfers, State Construction Grant funds transfers, Service Fee funds transfers, and by newly appropriated state general revenue funds.

Other sources of funds include loan repayments of principal and interest, proceeds from the sale of bonds, interest on SRF fund cash balances, service fees, and fund balances carried forward from FY 2018.

2. Uses of Funds

Available funds will be utilized as follows:

- The four percent (4%) set-aside from the FY 2018 capitalization grants will be reserved for use in future years for the administration of the program;
- Fifteen percent (15%) of the total funds available is reserved for small community projects;
- Pursuant to USEPA's memorandum "Procedures for Implementing Certain Provisions of the Fiscal Year 2012 Appropriation Affecting the Clean Water and Safe Drinking Water State Revolving Fund Programs" additional subsidies of up to \$16,253,700 will be provided in the form of principal forgiveness loans to municipalities that meet the criteria as described in Section 403.1838, Florida Statutes, and in Chapter 62-505, Florida Administrative Code;
- \$5,417,900 (10% of the FY 2018 capitalization grant) will be reserved for loans for projects that meet Green Project Reserve (GPR) requirements regardless of the projects' ranking in the priority setting system, to the extent that such projects can be identified as having met the program's readiness-to-proceed requirements and are on the fundable portion of the priority list as adopted at a public meeting. If there are insufficient applications at the time the priority list is initially adopted, the State will continue to solicit and accept applications until the requirement is met;

- If there are more loan projects eligible to receive funding than there are funds available, the maximum yearly funding (the segment cap) assigned to any single local government for loans is, by Rule, twenty-five percent of the unreserved funds.

The Department has developed detailed schedules for implementing the SRF in FY 2019. This information is summarized in the following attachments:

- Attachment 1 is a summary of SRF capitalization including the state's match.
- Attachment 2 is a summary of the source and use of SRF funds for FY 2019.
- Attachment 3 provides information on all projects certified as ready-to-proceed and eligible for loans in FY 2019, and specifically identifies the capitalization grant equivalent projects. Projects will also be identified on the FY 2019 water pollution control project priority list.
- Attachment 4 provides details on projects designated to receive assistance from the Green Project Reserve and the Additional Subsidies Reserve from the FY 2018 capitalization grant.
- Attachment 5 provides a capitalization grant payment schedule for the FY 2018 capitalization grant and the projected amount of cash draws from the Automated Standard Application for Payment (ASAP) system. This schedule will be updated for the FY 2019 capitalization grant when the amounts are known.

E. Financial Management Strategies

Projects draw on their funding at different intervals based on the timing of the construction and the size of the project. The timing of draws is further affected by the segment cap which limits the funds available to any one project sponsor during the fiscal year. A simple model has been developed that includes the current bank balances and encumbrances (including pending encumbrances) as well as income anticipated during the fiscal year. Anticipated income includes cap grants, state match, repayments, interest on investments, and any bond proceeds.

Anticipated disbursements and debt service on bonds are forecast to ensure the bank balances are adequate to meet the demand. Expected decreases to existing loan agreements are also considered. Once these factors are estimated, the spreadsheet determines the available funds.

This spreadsheet is updated monthly. After the initial priority list is developed, the segment cap

is established so that all projects meeting the readiness to proceed requirements can be funded and some funds remain available so that additional projects can be added throughout the year. This process is used unless the segment cap is under \$12 million, at which time projects at the bottom of the priority list may not be funded. The segment cap will initially be \$20 million for FY 2019.

Florida has leveraged periodically to increase the funds available for assistance as needed. All past bond issues have received the highest rating available from Standard & Poor's and Fitch. Florida strives to maintain this credit rating through strong financial management. Currently, sufficient funds are available and no additional leveraging is planned at this time.

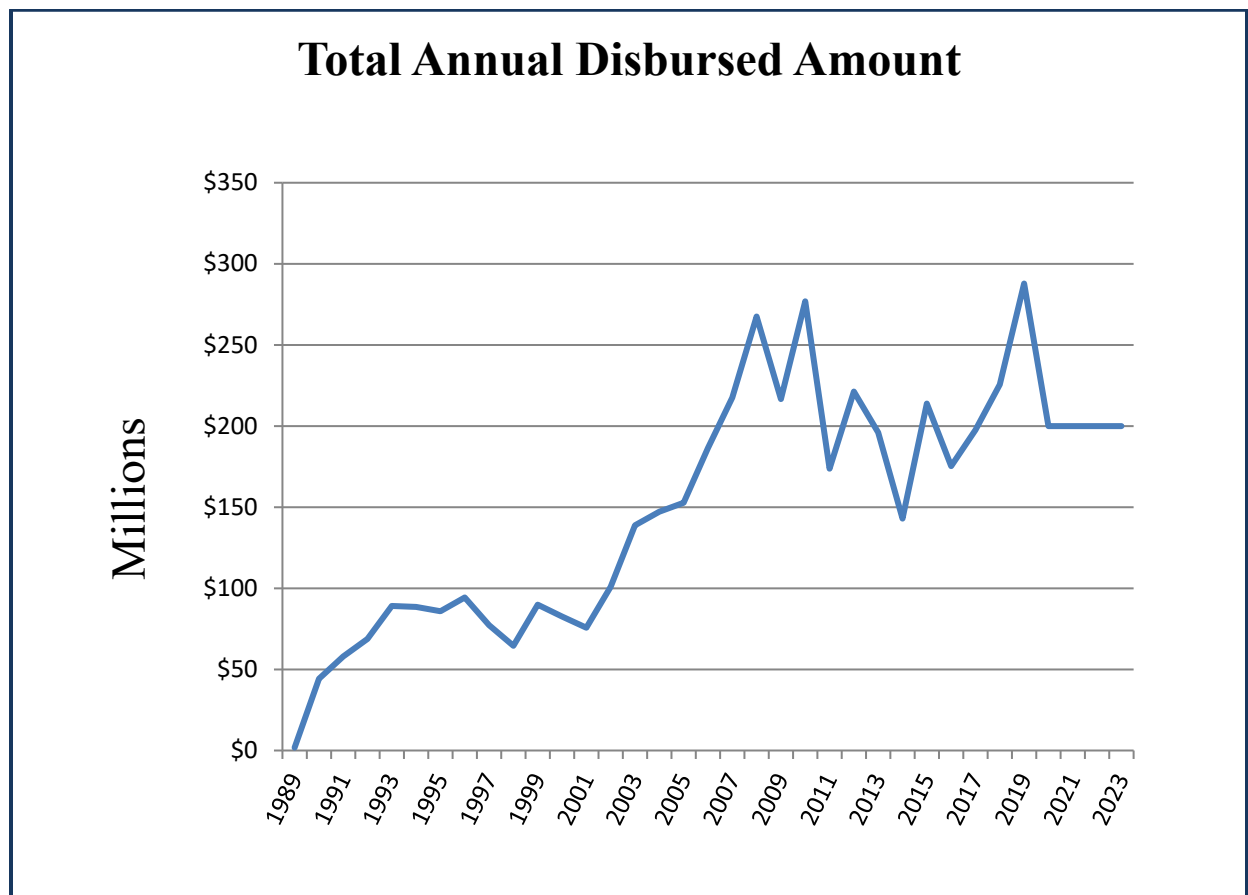


Figure 1 illustrates the historical and projected project disbursements based on current financing policies. This model is reviewed throughout the year to evaluate the potential impacts of capitalization grant levels, financing policies and leveraging.

V. PROGRAM MANAGEMENT

A. Assurances and Specific Proposals

The Florida DEP has provided the necessary assurance and certifications as part of the Operating Agreement between Florida and the USEPA. The Operating Agreement (OA) describes the mutual obligations between EPA and the DEP. The purpose of the OA is to provide a framework of procedures to be followed in the management and administration of the CWSRF. The revised OA has been signed and sent to USEPA.

The OA addresses our commitment to key CWSRF requirements, including:

602(a) Environmental Reviews: The CWSRF will conduct environmental reviews according to the State Environmental Review Process developed for the CWSRF.

603(b)(3) Binding Commitments: The CWSRF will enter into binding commitments for 120 percent of each quarterly grant payment within one year of receipt of the payment.

602(b)(4) Expeditions and Timely Expenditures: The CWSRF will expend all funds in the CWSRF in a timely manner. Note that the OA is currently being revised to address changes to the CWSRF rule and the Clean Water Act.

B. Federal Requirements for Equivalency Projects

Many federal requirements apply in an amount equal to the capitalization grant. These requirements are:

- Single Audit Act (OMB A-133)
- Disadvantaged Business Enterprise (DBE) compliance
- Federal environmental crosscutters
- Federal Funding Accountability and Transparency Act (FFATA) reporting
- Public Awareness Enhancement (Signage)

To minimize the burden on borrowers, the CWSRF program will select projects to comply with these requirements. These projects will total at least \$44,753,000 and will be specifically identified on the project list, attachment 3.

In addition to meeting the requirements Florida applies to all projects, these projects must also certify compliance with the DBE requirements and must comply with the FFATA requirements for executive compensation reporting.

C. Federal Requirements for all Projects

The Water Resources Reform and Development Act added several requirements for CWSRF loan projects including:

- Davis-Bacon Wage Rates
- American Iron and Steel
- Fiscal Sustainability
- Cost and Effectiveness
- A/E Procurement Requirements



Spring Lake Improvement District Stormwater Project

Davis-Bacon and American Iron and Steel had been added in previous appropriations and these amendments have made these requirements permanent. The financing rate for all construction projects will be reduced by one percent to offset the additional costs that result from these requirements. A fiscal sustainability plan is now a requirement for all new construction loans in FY 2019. To assist small systems with this requirement, the CWSRF program has entered into an agreement with the Florida Rural Water Association to develop asset management plans at no cost

for selected project sponsors. For projects that do not have an asset management plan, the minimum requirements for a fiscal sustainability plan for the project being funded include:

- an inventory of critical assets that are part of the treatment works;
- an evaluation of the condition and performance of inventoried assets or asset groupings;
- a certification that the assistance recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and
- a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding such activities.

Florida's Consultant's Competitive Negotiation Act has been accepted as equivalent to the federal requirements for A/E procurement, so compliance with this act will be certified by the loan recipient.

D. Audits and Reporting

Florida is committed to providing the public full access to CWSRF documents. Documents relating to the administration of the CWSRF program are generally available to the public on the FDEP website or through the electronic document management system, OCULUS. The current IUP is posted on the [program's website](#). OCULUS can be accessed at the [OCULUS website](#). Once logged into OCULUS, documents relating to program administration can be found by navigating to "State Revolving Fund" under catalog and "SRF File Cabinet" under Profile. Searches for specific documents can be further refined using the Drawer dropdown box. For documents such as IUPs, Operating Agreements and Capitalization Grants, choose "EPA Related" and the folder dropdown will allow the user to choose these and several other administrative documents.

Basic project information has been entered into EPA's Clean Water Benefits Reporting database for all projects to date. The database is updated as agreements are executed or amended and is reconciled with the program's database monthly.

Independent audits are conducted annually by the DEP Office of Inspector General, and frequently by Florida's Auditor General.

E. Procurement of Architectural and Engineering (A/E) Contracts

Chapter 287.055, Florida Statutes mandates the requirements for the procurement of A/E services. This statute meets all of the requirements in 40 U.S.C. 1101 et. sq. for an equivalent

State requirement. This statute can be found on the internet in the [Florida Legislature Official Interest Site](#).

VI. PUBLIC PARTICIPATION

Notice of a public meeting was published in the Florida Administrative Register on March 15, 2019 for a public meeting held on May 8, 2019 for the purpose of managing the FY 2019 priority list.

VII. RESPONSE TO PERFORMANCE EVALUATION REVIEW AND AUDIT FINDINGS

The FY 2018 Performance Evaluation Review (PER), conducted by USEPA, Region 4 in March 2019, covering the CWSRF Base Program, resulted in no recommendations.